THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17315 of 2006

12.4.2007

Between:

Gandham Sivasankara Rao, S/o.Nancharaiah

… Petitioner

AND

The Government of Andhra Pradesh, represented by its Secretary, Endowments Department, Secretariat, Hyderabad

And others

… Respondents

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ORDER:

Sri Guntur Seetharamaiah Annasatram Trust, Vijayawada, among others is also owner of site admeasuring 854 Sq.yards in NTS No.781/A/1B. The same was auctioned on 14.2.2002 after obtaining necessary clearance from the second respondent under Section 80(1)(b) of Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 (the Act, for brevity). Respondent No.4 became highest bidder and the auction was knocked down in his favour at the rate of Rs.7,325/- per square yard. Out of the total bid amount of Rs.62,55,550/-, fourth respondent immediately deposited Rs.5,00,000/- on the date of auction i.e., 14.2.2002. Subsequently on 25.3.2002, fourth respondent also deposited Rs.16,00,000/-. However as required under the conditions of auction, fourth respondent did not deposit the balance amount. He requested for extension of time. Ultimately the Regional Joint Commissioner, Vijayawada, submitted a report to the second respondent recommending confirmation of sale by auction in favour of fourth respondent. In furtherance thereof, second respondent in exercise of powers vested in him under Section 80(1)(b) of the Act confirmed the sale by proceedings D.Dis.No.M1/7037/99, dated 26.4.2002. Petitioner was appointed as a member of board of trustees and was also elected as chairman of such trust board in March 2006. Aggrieved by the auction conducted on 14.2.2002 and proceedings of the second respondent dated 26.4.2002 confirming the sale, the present writ petition is filed seeking invalidation of the auction as well as the confirmation order.

Respondents 4 and 5 have filed counter affidavits at the stage of admission opposing the writ petition. However it is not necessary to advert to the same in view of the disposal of this writ petition in the

manner herein below.

During the course of the submissions, learned Counsel for the petitioner has invited the attention of this Court to a report/letter bearing Rc.No.L2/38305/2004, Dt.nil.02.2006 from the second respondent to first respondent requesting to cancel the sale confirmed by Commissioner vide proceedings dated 26.4.2002. It is also brought to the notice of this Court a decision is pending with the Government. Therefore, if at this stage any opinion is expressed as regard the validity or otherwise of the auction conducted on 14.2.2002 or regarding the grounds urged by the learned Counsel for the petitioner that the sale effected is not prudent and not in the interest of the institution, it would preempt any further decision by the Government, who have powers under Section 80(6) of the Act to revise any order passed by the lower authority. Therefore, this Court is not inclined to entertain the writ petition. Liberty is however given to the rival parties to approach this Court, if so advised, after the Government takes decision in the matter. The first respondent may pass the appropriate order within a period of eight weeks from the date of receipt of a copy of this order and communicate the same to the petitioner and respondents.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

April 12, 2007.
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